THE HON'BLE SRI JUSTICE C.V. RAMULU

7th June, 2006

W.P.No.25237 of 2005

Between:

M/s. Miracle Cosmetic Products,
Shed No.8-4-52/2/C, Maliardevpally village,
Rajendranagar Mandal, Ranga Reddy District,
Rep.by its Partner Mohd. Zakaullah Sharef
.. Petitioner

and

The Principal Secretary, Agriculture and
Cooperation, Government of Andhra Pradesh,
Secretariat Buildings, Hyderabad and another .. Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.25237 of 2005

ORAL ORDER:

This writ petition is filed seeking a Mandamus directing the respondents to issue an endorsement for manufacturing liquid vaporizer in Licence No.262/2002-03 held by the petitioner holding the action of the 2nd respondent in negativing its request for endorsement in the licence by letter dated 19-11-2005 as arbitrary and illegal.

It seems the petitioner is a licence holder for manufacturing Mosquito Coils. Originally, the licence was issued to the petitioner subject to the condition of production of clearance certificate from the Pollution Control Board. However, the Board did not give the certificate in view of certain policy decision made by the High Power Committee constituted by the State Government. Therefore, the clearance certificate from the Board could not be produced. As such, the Department cancelled the licence of the petitioner. Aggrieved by the same, the petitioner filed an appeal, but the same was also dismissed. Thereafter, Writ Petition No.11847 of 2005 was filed and this Court granted interim suspension of the operation of the Order of cancellation of licence. The said writ petition is pending for final hearing. During the pendency of the said writ petition, the petitioner made an application for inclusion of Pralletherin in the licence, by an application dated 15-7-2005. However, the said application was rejected with one line order saying that 'the proposal for inclusion of two additional products in the manufacturing licence of the petitioner was negatived'. Aggrieved by the same, the present writ petition is filed.

Heard both sides.

It is unfortunate that no reasons are furnished by the 2nd respondent while passing the impugned Order, except saying that the application was negatived. However, in the counter affidavit filed, the

Department tried to explain that since the very original licence issued in favour of the petitioner is in dispute and pending before this Court in W.P.No.11847 of 2005, the matter could not be considered, apart from the fact that there is no clearance certificate issued by the Pollution Control Board even for the original licence. Be that as it may, since no tenable reasons are furnished in the impugned Order and it is a cryptic one, it is liable to be set aside and is accordingly set aside. The respondents are directed to take up the application filed by the petitioner on 15-7-2005 afresh and pass appropriate orders as per law, after hearing the petitioner, if necessary, within a period of three months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

07-6-2006

prk